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**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Mohsen Shahinpoor  
& Kwang J. Kim

Group: 1741

Serial No.: 09/899,874

Examiner: Tai V. Nguyen

Filed: July 5, 2000

Atty. Docket No.: 2313-00

For: METHOD OF FABRICATING A DRY ELECTRO-ACTIVE POLYMERIC  
SYNTHETIC MUSCLE

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**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
UNDER 37 CFR 1.181**

To: Mail Stop: Petitions  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sirs:

The above applicant respectfully requests that the Director withdraw the holding of abandonment in the above-referenced patent application. The grounds for this Petition are fully set forth herein.

The issue fee (700.00); publication fee (\$300.00); and copy fee (\$30.00) is enclosed herewith, along with the issue fee transmittal documents.

If a petition fee is required, the applicant is a small entity, and authorizes the Commissioner to charge any fees or credit any overpayment under 37 CFR §§ 1.16 and 1.17 which may be required during the entire pendency of the application to Deposit Account No. 01-2335.

As grounds for this petition, the applicant submits the Declarations of Dennis F. Armijo and Elaine C. Bryan, and states the following:

On September 24, 2004, the applicant provided the patent and trademark office with an amendment. A notice of allowance was mailed by Tai V. Nguyen on November 10, 2004. The Notice of Allowance included a misspelled word "FRABRICATING". Throughout the prosecution of this application, the word "Fabricating" was spelled correctly on all documents prepared by the Applicant. The Notice of Allowance with the misspelled word was received by the applicant's attorney on November 15, 2004. Elaine C. Bryan, Paralegal for applicant's counsel, contacted Examiner Nguyen on November 15, 2004, and advised Examiner Nguyen of the misspelled word. Examiner Nguyen advised Ms. Bryan to file a request to correct title of the invention and also advised her not to pay the issue fee because he was going to provide a supplemental Notice of Allowance and Issue Fee due shortly thereafter. A copy of the request to correct title of invention and a postcard evidencing the receipt of the request is attached and labeled Exhibit 1. The applicant's counsel continuously checked the status of the application using PAIR. On January 12, 2005, counsel for the applicant spoke with Examiner Nguyen regarding a new notice of allowance to be mailed. March 10, 2005, Elaine Bryan contacted customer service for the Patent and Trademark Office and spoke with Preston Wallace who suggested that we send a copy of the request to correct the title by facsimile. On March 14, 2005, the copy of the request to correct the title was sent by fax to the patent and trademark office. A copy of the faxed request and faxed receipt of the fax is attached and labeled Exhibit 2. On April 4, 2005, the Attorney for the applicant received a response to request for corrected filing receipt, and a corrected filing receipt. Both documents are attached hereto and labeled Exhibits 3 & 4 respectively. On April 4, 2005, the Attorney for the applicant spoke with Examiner

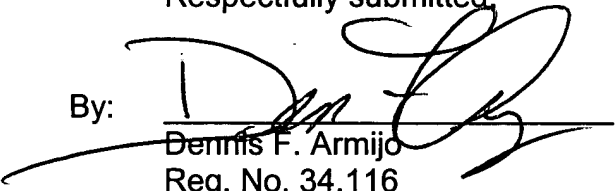
Nguyen by telephone again requesting a supplemental notice of allowance. On April 7, 2005, the Attorney for the application received a second corrected filing receipt, a copy of which is attached hereto and labeled Exhibit 5. On April 12, 2005, Examiner Nguyen mailed out a supplemental action notice of allowability; included with the packet was an interview summary indicating an examiner's amendment was filed correcting the misspelled word in the title. A copy of the office communication and attachment is attached hereto and labeled Exhibit 6. On April 14, 2005, a notice of abandonment for failure to pay the issue fee was mailed by the patent and trademark office. A copy of this document is attached and labeled Exhibit 7. Upon receipt of the notice of abandonment, counsel for the applicant immediately contacted Examiner Nguyen, and was told that despite the spelling error and the advice given to not pay the issue fee, there was nothing Examiner Nguyen could do to correct the error. On April 25, 2005, counsel for the applicant contacted Examiner Tugbarg, who is Examiner's Nguyen's supervisor regarding the situation and was advised that the notice of abandonment could not be withdrawn, and that a petition under 37 CFR § 1.181 was required. The Notice of Abandonment was mailed on April 14, 2005, therefore this petition is being filed within two months as required by MPEP § 711.03. The spelling error was made exclusively by the Patent and Trademark Office.

WHEREFORE, the applicant respectfully requests that the abandonment be withdrawn, that the Patent and Trademark Office accept the applicant's issue fee, publication fee, and copy fee, and the patent issue accordingly.

Respectfully submitted,

Dated: April 28, 2005

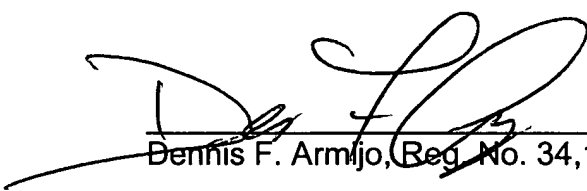
By:

  
Dennis F. Armijo  
Reg. No. 34,116

Dennis F. Armijo, Esq.  
6300 Montano Rd., NW, Suite D  
Albuquerque, NM 87120

Telephone: (505) 899-0269  
Facsimile: (505) 890-3431

I hereby certify that this communication is  
being placed in the mail via Express Mail Label  
No. EI 179672140 US and addressed to Mail  
Stop: Petitions, Commissioner for Patents, PO  
Box 1450, Alexandria, VA 22313-1450 on this  
28 day of April, 2005.

  
Dennis F. Armijo, Reg. No. 34,116



**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Mohsen Shahinpoor  
& Kwang J. Kim

Group: 1741

Serial No.: 09/899,874

Examiner: Tai V. Nguyen

Filed: July 5, 2000

Atty. Docket No.: 2313-00

For: METHOD OF FABRICATING A DRY ELECTRO-ACTIVE POLYMERIC  
SYNTHETIC MUSCLE

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**DECLARATION OF ELAINE C. BRYAN**

I, Elaine C. Bryan, declare as follows:

1. My name is Elaine C. Bryan. I am the Paralegal to Dennis F. Armijo, Reg. No. 34,116. The following declaration is based upon my personal knowledge of the facts regarding the events that have taken place in the prosecution of the above-referenced patent application from November 15, 2004 to the present.

2. The notice of allowance was received in the applicant's attorney's office on November 15, 2004. The notice of allowance included a misspelled word in the title. The misspelled word was "FRABRICATING".

3. I, contacted Examiner Nguyen on November 15, 2004, and advised Examiner Nguyen of the misspelled word.

4. Examiner Nguyen advised me to file a request to correct title of the invention and also advised me not to pay the issue fee because he was going to provide a supplemental notice of allowance and issue fee, shortly thereafter. I then prepared the request to correct title of invention; discussed same with Dennis F. Armijo,

and mailed the same on November 16, 2005. A copy of the request to correct title of invention and a postcard evidencing the receipt of the request in the United States Patent and Trademark Office is attached hereto and labeled Exhibit 1.

5. On various occasions over the next few months, I would check the status of the application utilizing PAIR.

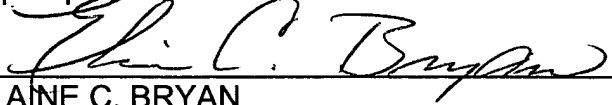
6. March 10, 2005, I contacted customer service for the Patent and Trademark Office and spoke with Preston Wallace who suggested that we send a copy of the request to correct the title by fax.

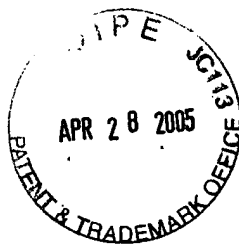
7. On March 14, 2005, the copy of the request to correct the title was sent by fax to the patent and trademark office. A copy of the faxed request and faxed receipt of the fax is attached hereto and labeled Exhibit 2.

8. On April 4, this office received a response to request corrected filing receipt and corrected filing receipt; a subsequent corrected filing receipt was received on April 7, 2005; followed by a supplemental action notice of allowability received from Examiner Nguyen on April 18, 2005; and finally the notice of abandonment received on April 25, 2005.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 28, 2005, at Albuquerque, New Mexico.

  
ELAINE C. BRYAN  
Paralegal to Dennis F. Armijo, Reg. 34, 116



## PATENT APPLICATION

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mohsen Shahinpoor  
& Kwang J. Kim

Group: 1741

Serial No.: 09/899,874

Examiner: Tai V. Nguyen

Filed: July 5, 2000

Atty. Docket No.: 2313-00

For: METHOD OF FABRICATING A DRY ELECTRO-ACTIVE POLYMERIC  
SYNTHETIC MUSCLE

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#### DECLARATION OF DENNIS F. ARMIJO

I, Dennis F. Armijo, declare as follows:

1. My name is Dennis F. Armijo, and I am an attorney admitted to the bar of the state of New Mexico. I am a registered patent attorney with the United States Patent and Trademark Office, registration number 34, 116, and am the attorney for the applicant in the above-referenced patent application.

2. Throughout the prosecution of this application, all documents submitted by the applicant had the word "Fabricating" spelled correctly.

3. This office received the notice of allowance and issue fee due in the above-referenced patent application on November 15, 2004. After review of same, we discovered there was a misspelling in the title of the invention. I instructed Elaine C. Bryan, my paralegal to call Examiner Nguyen and find out what we needed to do to correct the matter. I discussed, reviewed, and oversaw the preparation and transmission of the request to correct title of invention pursuant to the instructions of Examiner Nguyen.

4. I instructed Elaine C. Bryan to continue status checks on the progress of the case.

5. On January 12, 2005, I spoke with Examiner Nguyen regarding the new notice of allowance we expected to be mailed, and stated that we did not want to have to pay a petition fee, and were requesting the status of, and receipt of the new notice of allowance.

6. On April 4, 2005, I spoke with Examiner Nguyen by telephone again requesting a supplement notice of allowance. On April 12, 2005, Examiner Nguyen mailed out a supplemental action Notice of Allowability, and included with the packet was an interview summary indicating an examiner's amendment was filed correcting the misspelled word in the title.

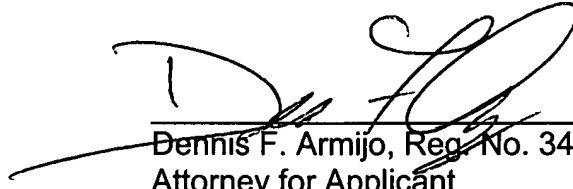
7. On April 14, 2005, a notice of abandonment for failure to pay the issue fee was mailed by the patent and trademark office. Upon receipt of the notice of abandonment, counsel for the applicant immediately contacted Examiner Nguyen, and was told that despite the spelling error and the advice given to not pay the issue fee, there was nothing Examiner Nguyen could do to withdraw the notice of abandonment.

8. On April 25, 2005, counsel for the applicant contacted Examiner Tugbarg, who is Examiner's Nguyen's supervisor regarding the situation and was advised that the notice of abandonment could not with withdrawn, and that a petition under 37 CFR § 1.181 was required. The Notice of Abandonment was mailed on April 14, 2005, therefore this petition is being filed within two months as required by MPEP § 711.03.



I declare under penalty of perjury under the laws of the United States of American that the foregoing is true and correct.

Executed on April 28, 2005, at Albuquerque, New Mexico, USA.



---

Dennis F. Armijo, Reg. No. 34,116  
Attorney for Applicant

Stamp hereon acknowledges receipt of the following in  
the United States Patent and Trademark Office mailed  
via First Class US Mail on November 17, 2004:

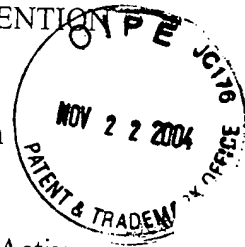
REQUEST TO CORRECT TITLE OF INVENTION  
and POSTCARD.

Applicants: M. Shahinpoor, Kwang J. Kimm  
Serial No: 09/899,874

Filed: July 5, 2000

For: A Method of Fabricating a Dry Electro-Active  
Polymeric Synthetic Muscle (#2313-00)

STAMP HERE:



NOV 22 2004

FILE COPY

TRANSMITTED TO: Dr. Mo  
BY: ER DATE: 11-17-04

TRANSMITTED TO: Dr. Kimm  
BY: ER DATE: 11-17-04

EXHIBIT 1

**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Mohsen Shahinpoor  
& Kwang J. Kim

Group: 1741

Serial No.: 09/899,874

Examiner: Tai V. Nguyen

Filed: July 5, 2000

Atty. Docket No.: 2313-00

For: A METHOD OF FABRICATING A DRY ELECTRO-ACTIVE POLYMERIC  
SYNTHETIC MUSCLE

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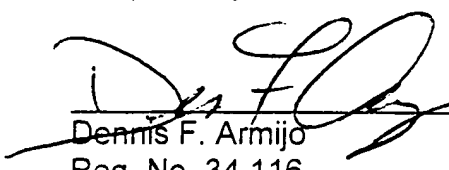
**REQUEST TO CORRECT TITLE OF INVENTION**

TO: Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

This paper is in response to the Notice of Allowance and Fee(s) Due dated November 10, 2004, a copy of which is attached hereto for reference. It was noted that the title of the invention contains a typographical error and request is hereby made for correction of the title of the invention and reissuance of a new Notice of Allowance and Fee(s) Due to reflect the corrected title. The corrected title should read "A Method of Fabricating a Dry Electro-Active Polymeric Synthetic Muscle".

Respectfully submitted,

Dated: 11-17-04

  
Dennis F. Armijo  
Reg. No. 34,116

Dennis F. Armijo, Esq.  
6300 Montañño Rd., NW, Suite D  
Albuquerque, NM 87120  
Telephone: (505) 899-0269  
Facsimile: (505) 890-3431



## NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

11/10/2004

Dennis F. Armijo, Esq.  
DENNIS F. ARMIJO, P.C.  
6300 MONTANO RD., NW, SUITE D  
Albuquerque, NM 87120

EXAMINER

NGUYEN, TAI V

ART UNIT

PAPER NUMBER

3729

DATE MAILED: 11/10/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/399,374	07/05/2001	Mohsen Shahinpoor	2313-00	3330
TITLE OF INVENTION: A METHOD OF FRABRICATING A DRY ELECTRO-ACTIVE POLYMERIC SYNTHETIC MUSCLE				

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1370	\$300	\$1670	02/10/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE (AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

## I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

**Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (703) 746-4000**

**INSTRUCTIONS:** This form should be used for transmitting the **ISSUE FEE** and **PUBLICATION FEE** (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

**CURRENT CORRESPONDENCE ADDRESS** (Note: Use Block 1 for any change of address)

7590 11/10/2004

Dennis F. Armijo, Esq.  
DENNIS F. ARMILLO, P.C.  
6300 MONTANO RD., NW, SUITE D  
Albuquerque, NM 87120

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,374	07/05/2001	Mohsen Shahinpoor	2313-00	3330

**TITLE OF INVENTION:** A METHOD OF FABRICATING A DRY ELECTRO-ACTIVE POLYMERIC SYNTHETIC MUSCLE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1370	\$300	\$1670	02/10/2005
EXAMINER	ART UNIT	CLASS-SUBCLASS			
NGUYEN, TAI V	3729	029-025350			

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1	_____
2	_____
3	_____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

- ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## Auto-Reply Facsimile Transmission



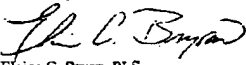
TO: Fax Sender at 505 890 3431

Fax Information  
Date Received: 3/14/2005 4:46:08 PM [Eastern Standard Time]  
Total Pages: 5 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page

=====>

Mar-14-05 03:33P Dennis F Armijo PC		505 890 3431	P.01
<b>C O V E R</b>		<b>F A X</b>	
<b>S H E E T</b>			
To:	Customer Service Commissioner of Patents		
Fax #:	(703) 746-9195		
Subject:	Serial No. 09/899,874		
Date:	March 14, 2005		
Pages:	5, including this cover sheet.		
<b>COMMENTS:</b>			
Dear Sir/Madam:			
<p>Attached is a copy of our Request to Correct Title of Invention for the above-referenced serial number. This was mailed on November 17, 2004, and received by the PTO on November 22, 2004. To date we have not received a new Notice of Allowance. We contacted Examiner Tai Van Nguyen on November 15, 2004, and he suggested that we file a Request to Correct Title of Invention and then he would issue a new Notice of Allowance. We contacted Customer Service on March 10, 2005, and spoke with Preston Wallace who suggested that we re-fax our Request to Correct Title of Invention. We would like to request a status report on this matter. Should you have any questions, you are invited to contact this office collect.</p>			
			
Elaine C. Bryan, PLS Paralegal to Dennis F. Armijo (505) 890-3431			
<p>From the desk of...</p> <p>Elaine C. Bryan, PLS Paralegal Dennis F. Armijo, P.C. 6300 Montano Rd., NW, Suite O Albuquerque, NM 87120 (505) 899-0209 Fax: (505) 890-3431</p>			
PAGE 13 *TXVD AT 214/2005 4:46:08 PM Eastern Standard Time* TXVD USPTO-02-CF-321 *TXVD 7469195* CVD 505 890 3431 *CLERK/TON/00000503-14			

C O V E R

S H E E T

FAX

To: Customer Service  
Commissisoner of Patents

Fax #: (703) 746-9195

Subject: Serial No. 09/899,874

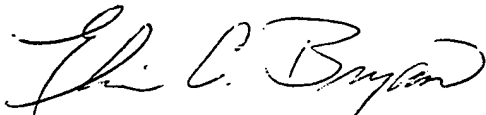
Date: March 14, 2005

Pages: 5, including this cover sheet.

COMMENTS:

Dear Sir/Madam:

Attached is a copy of our Request to Correct Title of Invention for the above-referenced serial number. This was mailed on November 17, 2004, and received by the PTO on November 22, 2004. To date we have not received a new Notice of Allowance. We contacted Examiner Tai Van Nguyen on November 15, 2004, and he suggested that we file a Request to Correct Title of Invention and then he would issue a new Notice of Allowance. We contacted Customer Service on March 10, 2005, and spoke with Preston Wallace who suggested that we re-fax our Request to Correct Title of Invention. We would like to request a status report on this matter. Should you have any questions, you are invited to contact this office collect.



Elaine C. Bryan, PLS  
Paralegal to Dennis F. Armijo  
(505) 890-3431

From the desk of...

Elaine C. Bryan, PLS  
Paralegal  
DENNIS F. ARMIJO, P.C.  
6300 Montañó Rd., NW, Suite D  
Albuquerque, NM 87120

(505) 899-0269  
Fax: (505) 890-3431

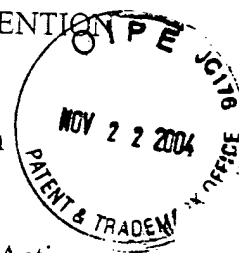
Stamp hereon acknowledges receipt of the following in  
the United States Patent and Trademark Office mailed  
via First Class US Mail on November 17, 2004:

REQUEST TO CORRECT TITLE OF INVENTION  
and POSTCARD.

Applicants: M. Shahinpoor, Kwang J. Kimin  
Serial No: 09/899,874  
Filed: July 5, 2000

For: A Method of Fabricating a Dry Electro-Active  
Polymeric Synthetic Muscle (#2313-00)

STAMP HERE:



NOV 22 2004

FILE COPY

TRANSMITTED TO: Dr. Mo  
BY: ES DATE: 11-17-04

TRANSMITTED TO: Dr. Kimin  
BY: ES DATE: 11-17-04



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mohsen Shahinpoor  
& Kwang J. Kim

Group: 1741

Serial No.: 09/899,874

Examiner: Tai V. Nguyen

Filed: July 5, 2000

Atty. Docket No.: 2313-00

For: A METHOD OF FABRICATING A DRY ELECTRO-ACTIVE POLYMERIC  
SYNTHETIC MUSCLE

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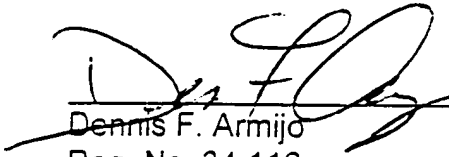
**REQUEST TO CORRECT TITLE OF INVENTION**

TO: Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

This paper is in response to the Notice of Allowance and Fee(s) Due dated November 10, 2004, a copy of which is attached hereto for reference. It was noted that the title of the invention contains a typographical error and request is hereby made for correction of the title of the invention and reissuance of a new Notice of Allowance and Fee(s) Due to reflect the corrected title. The corrected title should read "A Method of Fabricating a Dry Electro-Active Polymeric Synthetic Muscle".

Respectfully submitted,

Dated: 11-17-04

  
Dennis F. Armijo  
Reg. No. 34,116

Dennis F. Armijo, Esq.  
6300 Montaña Rd., NW, Suite D  
Albuquerque, NM 87120  
Telephone: (505) 899-0269  
Facsimile: (505) 890-3431



## UNITED STATES PATENT AND TRADEMARK OFFICE

ICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

## NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

11/10/2004

Dennis F. Armijo, Esq.  
DENNIS F. ARMIJO, P.C.  
6300 MONTANO RD., NW, SUITE D  
Albuquerque, NM 87120

EXAMINER

NGUYEN, TAI V

ART UNIT

PAPER NUMBER

3729

DATE MAILED: 11/10/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/399,374	07/05/2001	Mohsen Shahinpoor	2313-00	3330

TITLE OF INVENTION: A METHOD OF FRABRICATING A DRY ELECTRO-ACTIVE POLYMERIC SYNTHETIC MUSCLE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1370	\$300	\$1670	02/10/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

... If the status is the same, pay the TOTAL FEE(S) DUE shown above.

... If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

All communications regarding this application must give the application number. Please direct all communications prior to issuance to Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

NOV 15 2004

# PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
(703) 746-4000

or Fax

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

11/10/2004

Dennis F. Armijo, Esq.  
DENNIS F. ARMILJO, P.C.  
6300 MONTANO RD., NW, SUITE D  
Albuquerque, NM 87120

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,374	07/05/2001	Mohsen Shahinpoor	2313-00	3330

TITLE OF INVENTION: A METHOD OF FRABRICATING A DRY ELECTRO-ACTIVE POLYMERIC SYNTHETIC MUSCLE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1370	\$300	\$1670	02/10/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
NGUYEN, TAI V	3729	029-025350

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.111. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent):

☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment to Deposit Account Number (enclose an extra copy of this form).

Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Date

Typed or printed name

Registration No.

A collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete the form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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Personal Printer/Fax/Copier

Fax Log Report for  
Dennis F Armijo PC  
505 890 3431  
Mar-14-05 03:36 PM

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<u>Identification</u>	<u>Result</u>	<u>Pages</u>	<u>Type</u>	<u>Date</u>	<u>Time</u>	<u>Duration</u>	<u>Diagnostic</u>
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/899,874	07/05/2001	Mohsen Shahinpoor	2313-00

CONFIRMATION NO. 3330



\*OC000000015582768\*

Dennis F. Armijo, Esq.  
 DENNIS F. ARMIJO, P.C.  
 6300 MONTANO RD., NW, SUITE D  
 Albuquerque, NM 87120

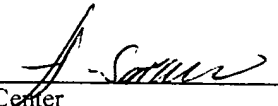
Date Mailed: 03/28/2005

## RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

## Title of Invention

In response to your request for a corrected Filing Receipt, the Office cannot comply with your request because:

- ☒ The articles such as "a", "an", and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- ☐ The words "new", "improved", "improvement of", "improvement in", or "improvement relating to" are not included as the first words in the title of an application because a patent application is, by nature, a new idea or improvement. See MPEP 606.
- ☐ The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- ☐ Superscript and subscript are not possible. These characters will appear on the same line.
- ☐ The title appears on the filing receipt in sentence case for publication in the Annual Index of Patents.
- ☐ The title of the invention was captured as provided by applicant on the first page of the specification. An amendment is needed to make this change. (See MPEP 605.02.)
- ☐ The symbol that you have requested as part of the title cannot be captured as presented. It has been captured as written text.

  
 Customer Service Center  
 Initial Patent Examination Division (703) 308-1202

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PART 1 - ATTORNEY/APPLICANT COPY



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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
09/899,874	07/05/2001	3729	355	2313-00	22	19	2

Dennis F. Armijo, Esq.  
 DENNIS F. ARMIJO, P.C.  
 6300 MONTANO RD., NW, SUITE D  
 Albuquerque, NM 87120

CONFIRMATION NO. 3330

CORRECTED FILING RECEIPT



\*OC000000015582755\*

Date Mailed: 03/28/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Mohsen Shahinpoor, Albuquerque, NM;  
 Kwang J. Kim, Albuquerque, NM;

**Power of Attorney:**

Dennis Armijo-34116

**Domestic Priority data as claimed by applicant**

This appln claims benefit of 60/217,210 07/10/2000

**Foreign Applications**

If Required, Foreign Filing License Granted: 08/22/2001

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US09/899,874**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

RECEIVED APR - 6 2001

**Title**

METHOD OF FABRICATING A DRY ELECTRO-ACTIVE POLYMERIC SYNTHETIC MUSCLE

**Preliminary Class**

029

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).





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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
09/899,874	07/05/2001	3729	355	2313-00	22	19	2

Dennis F. Armijo, Esq.  
 DENNIS F. ARMIJO, P.C.  
 6300 MONTANO RD., NW, SUITE D  
 Albuquerque, NM 87120

**CONFIRMATION NO. 3330**  
**CORRECTED FILING RECEIPT**  
**\*OC000000015649179\***  
 \*OC000000015649179\*

Date Mailed: 04/04/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

**Applicant(s)**

Mohsen Shahinpoor, Albuquerque, NM;  
 Kwang J. Kim, Albuquerque, NM;

**Power of Attorney:**

Dennis Armijo-34116

**Domestic Priority data as claimed by applicant**

This appln claims benefit of 60/217,210 07/10/2000

**Foreign Applications**

If Required, Foreign Filing License Granted: 08/22/2001

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US09/899,874**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

RECEIVED APR - 7 2005

**Title**

METHOD OF FABRICATING A DRY ELECTRO-ACTIVE POLYMERIC SYNTHETIC MUSCLE

**Preliminary Class**

029

---

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,874	07/05/2001	Mohsen Shahinpoor	2313-00	3330

7590

04/12/2005

Dennis F. Armijo, Esq.  
DENNIS F. ARMIJO, P.C.  
6300 MONTANO RD., NW, SUITE D  
Albuquerque, NM 87120

EXAMINER

NGUYEN, TAI V

ART UNIT	PAPER NUMBER
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3729

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EXHIBIT 6

RECEIVED APR 16 2005

*Supplemental Action*  
**Notice of Allowability**

Application No.

09/899,874

Examiner

Tai Van Nguyen

Applicant(s)

SHAHINPOOR ET AL.

Art Unit

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9 August 2004 and 4 April 2005.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☒ The drawings filed on 05 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>7/5/01</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                             | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

RECEIVED APR 10 2005

*CAJ*  
CARL J. ARBES  
PRIMARY EXAMINER

# **Interview Summary**

Application No.

09/899,874

Applicant(s)

SHAHINPOOR ET AL.

Examiner

Tai Van Nguyen

Art Unit

3729

All participants (applicant, applicant's representative, PTO personnel):

(1) Dennis F. Armijo, Applicants.

(3) Tai Van Nguyen, Examiner.

(2) Carl J. Arbes, Primary Examiner.

(4) \_\_\_\_\_.

Date of Interview: 04 April 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: \_\_\_\_\_.

Identification of prior art discussed: None.

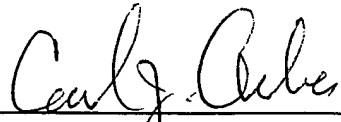
Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicants noticed that the Notice of Allowability mailed on 11/10/2004 have been typographical error the title. Therefore it was deemed necessary and ordered that the Patent Office issue the accompanying supplemental Notice of Allowance.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dennis F. Armijo on 4 April 2005.

The application has been amended as follows:

#### **Specification:**

The title has been replaced: -- A METHOD OF FABRICATING A DRY ELECTRO-ACTIVE POLYMERIC SYNTHETIC MUSCLE --.

#### **In the claims:**

Claims 13-20 have been cancelled.

#### **Reason for allowance:**

The following is an examiner's statement of reasons for allowance: the prior art does not teach all of the limitations of the claimed method of fabricating a dry electro-active polymeric synthetic including.

- a) providing a polyelectrolyte material',
- b) mixing the polyelectrolyte material with a conductive material; and
- c) affixing at least two electrodes to the mixed polyelectrolyte material and conductive material.

Art Unit: 3729

Accordingly, claims 1-12 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai Van Nguyen whose telephone number is 571-272-4567. The examiner can normally be reached on M-F (7:30 A.M - 4:30 P.M).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
CARL J. ARBES  
PRIMARY EXAMINER

TN.  
April 4, 2005

Please type a plus sign (+) inside this box → ☐

PTO/SB/08B (08-00)

Approved for use through 10/31/2002. OMB 0551-0031  
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Substitute for form 1448B/PTO			<b>Complete if Known</b>		
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)			Application Number	09/899,874	
			Filing Date	July 5, 2001	
			First Named Inventor	Mohsen Shahinpoor	
			Group Art Unit	3729	
			Examiner Name	TAI VAN NGUYEN	
Sheet	1	of	2	Attorney Docket Number	2313-00

1036 U.S. Pat. & Tm. Off.  
09/099874



OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
TN		Controlled Folding of Micrometer-Size Structures E. Smela, O. Inganas, I. Lundstrom, Science 268, 1735 (1995)	
		Electrochemomechanical properties from a bilayer: polypyrrole/ non-conducting and flexible material - artificial muscle. T.F. Otero, J. Rodriguez, E. Angulo, C. Santamaria, J. Electroanal Chem. 341, 369 (1992)	
		Performance and work capacity of a polypyrrole conducting polymer linear actuator, A. Della Santa, D. De Rossi, A. Mazzoldi, Synthetic Metals, 90, 93 (1997)	
		Mechanism of electromechanical actuation in polypyrrole M.R. Gandhi, P. Murray, G.M. Spinks, G.G. Wallace, Synth. Met. 73, 247 (1995)	
		Conductive polymer based structures for a steerable catheter A. Mazzoldi, D. DeRossi, Proceedings of SPIE-Electroactive Polymer Actuators and Devices (EAPAD) 3987, 273 (2000)	
		Giant Electrostriction and Relaxor Ferroelectric Behavior in Electron-Irradiated Poly(vinylidene fluoride-trifluoroethylene) Copolymer, Q.M. Shang, V. Bharti, X. Zhao, Science 280, 2101 (1998)	
		Ferroelectric Polymers, A.J. Lovinger, Science 220, 1115 (1983)	
		Ionic Polymer-metal composites (IPMC) as Biomimetic Sensors, Actuators & Artificial Muscles - A Review, M. Shahinpoor, Y. Bar- Cohen, J.O. Simpson, J. Smith, Smart Mater. Struct. 7, 15 (1998)	
		Mechanoelectric efforts in ionic gels, P.G. De Gennes, K. Okumura, M. Shahinpoor, K.J. Kim, Europhysics Letters 50, 513 (2000)	
		Bending of Polyelectrolyte Membrane-Platinum Composites by Electric Stimuli I. Response Characteristics to Various Waveforms, K. Asaka K. Oguro, Y. Nishimura, M. Mizuhata, H. Takenaka, Polym. J. 27, 436 (1995)	
TN		Ionic Polymeric Gels, R. Hamden, C. Kent, S. Shafer, Nature 206, 1149 (1965)	

Examiner Signature	<i>Tai Nguyen</i>	Date Considered	4/4/05
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
Application Number				09/899,874	
Filing Date				July 5, 2001	
First Named Inventor				Mohsen Shahinpoor	
Group Art Unit				3729	
Examiner Name				TAI VAN NGUYEN	
Attorney Docket Number				2313-00	

[illegible]

Examiner Signature	<i>Van Nguyen</i>	Date Considered	4/4/05
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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# UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,874	07/05/2001	Mohsen Shahinpoor	2313-00	3330

7590 04/14/2005

Dennis F. Armijo, Esq.  
DENNIS F. ARMIJO, P.C.  
6300 MONTANO RD., NW, SUITE D  
Albuquerque, NM 87120

EXAMINER

NGUYEN, TAI V

ART UNIT PAPER NUMBER

3729

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EXHIBIT 7

RECEIVED APR 16 2005



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United States Patent and Trademark Office

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Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09899874

EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED:

### NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
- ☐ A reply (with Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_ which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on \_\_\_\_\_, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85) (or Notice of Publication Fee Due).
- ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required, by 37 CFR 1.18(d) is \$ \_\_\_\_\_.
- ☒ The issue fee and publication fee, if applicable, have not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: \_\_\_\_\_

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

## **Attachment to Notice of Abandonment**

**For questions concerning the notice contact  
Office of Patent Publication**

**Image Assistance Center: 888-786-0101.**

Information is also available on the USPTO Internet web site:  
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

### **Respond to the Notice of Abandonment by one of the following:**

- 1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing, 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

- 2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required**

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

- 3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

**Note:** Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment